



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

February 3, 1939

Hon. H. L. Roberson
County Attorney
Winkler County
Kermit, Texas

Dear Sir:

Opinion No. 0-132
Re: Authority of Commissioners'
Court to allow Constable ex
officio salary.

Your letter of January 9th has been received by this Department, wherein you ask the following question:

"Has the Commissioners' Court the authority to award one constable out of three an ex officio salary?"

We respectfully call your attention to Article 3895 which debars the Commissioners' Court from allowing compensation for ex officio services to such officers over and above that necessary to reach the maximum allowed under Articles 3883 and 3891 as amended. In the event your precinct officers are compensated on the basis of an annual salary, your attention is directed to that portion of Section 3, Article 3912e, Revised Civil Statutes, 1925, which reads:

"Sec. 3. In all cases where the Commissioners' Court shall have determined that county officers or precinct officers in such county shall be compensated for their services by the payment of an annual salary, neither the State of Texas nor any county shall be charged with or pay to any of the officers so compensated, any fee or commission for the performance of any or all of the duties of their offices but such officers shall receive said salary in lieu of all other fees, commissions or compensation which they would otherwise be authorized to retain;"

It is, therefore, the opinion of this Department

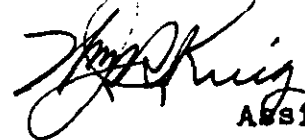
Hon. H. L. Roberson, February 3, 1939, Page 2

that the Commissioners' Court would not be authorized to award a precinct officer an ex officio salary other than in compliance with the above provisions.

Very truly yours

ATTORNEY GENERAL OF TEXAS

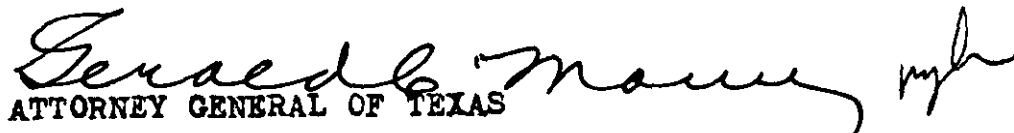
By



Assistant

WmK:AW

APPROVED:



ATTORNEY GENERAL OF TEXAS